

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENISE MARSH CARLSON,

Defendant.

CR-09-15-GF-BMM

ORDER

Defendant Denise Marsh Carlson has moved for early termination of her current term of probation. (Doc. 108). The Government objects to this motion. The Court conducted a hearing on the motion on November 4, 2021. For the reasons below, the Court grants Carlson's motion.

Carlson pleaded guilty to receipt of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). (Docs. 16 and 18). The Court sentenced Carlson to the Bureau of Prisons on October 1, 2009, for a term of 98 months and lifetime supervised release. (Doc. 38). Carlson appealed her sentence to the United States

Court of Appeals for the Ninth Circuit on October 9, 2009. (Doc. 47). The Ninth Circuit Court of Appeals ordered a limited remand for resentencing. (Doc. 57). The Court reduced Carlson's term of supervised release to 10 years on remand on February 3, 2011. (Doc. 73). The Court further provided that Carlson could petition the Court to modify or terminate supervision upon expiration of the minimum term of 5 years supervised release. *Id.* at 3.

Federal law authorizes a defendant to move for termination of her supervised release after successfully completing one year if the Court is satisfied that such action remains "warranted by the conduct of the defendant and the interest of justice." 18 U.S.C. § 3583(e). The Court must consider the factors in 18 U.S.C. § 3553(a) when evaluating whether to terminate a term of supervised release.

The factors in 18 U.S.C. § 3553(a) support an early termination of Carlson's supervised release. Carlson has been under supervision without incident for the last 5 years. She began supervised release on July 25, 2016. There is no indication in the record that Carlson violated or had any problems with her supervision.

Carlson's United States Probation Officer, Casey Edwards, advised the Court that Carlson has adjusted well to supervision and that she has had no issues with her. Carlson's counselor, Dr. Alice Hougardy, has also written a letter advocating for Carlson's early termination. These successes, in conjunction with Carlson's

compliance with the terms of her supervision, demonstrate that termination of supervision is warranted.

Accordingly, **IT IS HEREBY ORDERED** that Carlson's Motion for Early Termination of Supervised Release (Doc. 108) is **GRANTED**.

DATED this 4th day of November, 2021.

A handwritten signature in blue ink, reading "Brian Morris".

Brian Morris, Chief District Judge
United States District Court